IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8496 OF 2005

Central Warehousing Corporation. ...Petitioner.
Vs.
Sarpanch Gram Panchayat, Bhendkal & Ors. ...Respondents.
....
Ms. S.I. Shah for the Petitioner.
Mr. C. G. Gavnekar for Respondent No.1.
Mrs. M.P. Thakur, AGP for Respondent No.3.
.....
CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 18, 2006.

P.C. :

Rule. By consent of the Learned Counsel, taken up for final hearing forthwith.

The Petitioner by this petition under Article 226 of the Constitution, seeks to quash and set the notices dated 16th May 2005 and 11th July 2005 issued by Respondent No.1 under the provisions of sub-sections (2) and (4) of Section 129 of the Bombay Village Panchayats Act, 1958. The case of the Petitioner is that the Petitioner, for the purpose of running a Container Freight Station, approached Respondent No.2-CIDCO for taking on lease a plot of land at Sector-7 of Dronogiri Node warehousing complex,

Taluka Uran, District Raigad. The application of the Petitioner was accepted and an agreement was executed on 11th May 1999. It is the case of the Petitioner that earlier on 16th September 2003 and 27th December 2004, demand notices were issued claiming property tax which were illegal and bad in law. It is the contention of the Petitioner that the Petitioner has filed SLP No.7184 of 2005 in the Supreme Court of India. The Learned Counsel submits that after the disposal of the SLP, an appropriate order as far as recovery is concerned, may be passed.

A Division Bench of this Court in **Bima Office Premises Co-operative Society vs. Kalamboli Village Panchayat and others**, 2001(1) Mh. L.J. 806, has ruled that the Gram Panchayat is justified in assessing, imposing and recovering taxes from the Petitioners who had made constructions on the land for warehousing activities in the area of Gram Panchayat. In the present case, since the point involved in the petition is directly covered by the aforesaid decision, we are not inclined to accept the submission of the Petitioner. We accordingly dismiss the petition.

At this stage, the Learned Counsel appearing for the

Petitioner prays for status quo for four weeks. Since interim order was not passed earlier, we see no reason to pass status quo order at this stage. Hence, the prayer is rejected.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.